
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

BRIAN C. FRANKENFIELD,

Plaintiff,

*versus*B. SMITH, *et al.*,

Defendants.

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CIVIL ACTION NO. 9:23-CV-230

**MEMORANDUM ORDER ADOPTING THE
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**


Plaintiff, Brian C. Frankenfield, an inmate confined at the Gib Lewis Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Defendants B. Smith, H. Glover and an unknown defendant. The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to the applicable laws and orders of this court. On January 5, 2024, the magistrate judge entered a Report and Recommendation in which he recommended dismissing this case as frivolous pursuant to 28 U.S.C. § 1915A(b)(1) (#7). To date, Plaintiff has not filed objections to the report.¹

The court received and considered the Report and Recommendation of the United States Magistrate Judge pursuant to such referral, along with the record, pleadings and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

¹ Plaintiff received a copy of the report on January 23, 2024 (#8).

Accordingly, the Report and Recommendation of the United States Magistrate judge (#7) is **ADOPTED**. This case is dismissed pursuant to 28 U.S.C. § 1915A(b)(1).

SIGNED at Beaumont, Texas, this 13th day of March, 2024.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE